

BRIAN SANDOVAL
Governor

STATE OF NEVADA



TERRY JOHNSON
Director, Business and Industry

ANDREW J. MACKAY
Chairman
MICHAEL J. KLOBERDANZ
Commissioner
MONICA B METZ
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE MAY 9, 2012 GENERAL MEETING

AGENDA

1. Call to Order

Chairman MacKay called the General Session to Order at approximately 9:35 a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Michael J. Klobberdanz, Commissioner Monica B Metz, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, and Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Chairman MacKay led a recital of the Pledge.

4. Public Comment:

Mr. Tom Wright, Ewing Brothers Towing, expressed concerns regarding the granting of certification to new carriers for non-consent tows. Mr. Jeff Sawin, Private Property Protective Association, echoed Mr. Wright's comments with regard to limiting additional certificates as well as limitations for Category A, B and C tow tariffs.

5. Approval of Agenda

Administrative Attorney Jim Day stated counsel for Item 57 would be present at 10am, asked that Item 61 be taken out of order as counsel must leave early, and asked that Item 17 be considered separately. Approved 3-0 as modified.

6. Approval of the Minutes of the April 5, 2012 General Session

Approved 3-0.

7. Briefings from the Commissioners

Commissioner Metz thanked Administrator Harvey and Chief Aquino from the Taxicab Authority for providing security at the Special General Session held on April 18, 2012. Chairman MacKay echoed Commissioner Metz's comments. Chairman MacKay extended special thanks to Administrative Attorney Day and Authority Staff for the work done on the current agenda. Chairman MacKay stated he would not be in attendance at the June General Session.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski stated the new rule for driver's license suspensions is final. In the last six weeks, four licenses have been submitted for suspension. The rule is in place and working as smaller fines are being paid in a more timely fashion.

9. Report of Legal Counsel

Senior Deputy Attorney General David Newton stated Desert Fox was issued a citation for operating without a certificate, that Desert Fox has gone to District Court requesting an injunction against the Authority, and the matter is set for hearing at 10 a.m. on May 11, 2012.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

All Items in this section with the exception of Item 17 were considered collectively and approved 3-0.

- 10. Citation 14177** issued to Sayers Kevin Tanner for a violation of NAC 706.247/49 CFR 391.41. (AJM)
- 11. Citation 14187** issued to Norman Otteson for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 12. Citation 14189** issued to Scott Stuart Dunlop for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 13. Citation 16126** issued to SEM Enterprises, LLC/City Auto Tow, for violations of NRS 706.311 and NAC 706.3975. (AJM)
- 14. Citation 16127** issued to Robert Lee Ciampi for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 15. Citation 16128** issued to Scott Stuart Dunlop for a violation of NAC 706 as amended by LCB File No. R127-07(1). (AJM)
- 16. Citation 16129** issued to SEM Enterprises, LLC/City Auto Tow for a violation of NRS 760.4467. (AJM)
- 17. Impound 1983 and Citation 15779.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15779 issued to Daniel Kociolek for violations of NRS 706.386 and NRS 706.758. (MJK)

Mr. Daniel Kociolek appeared requesting the phone disconnection requirement be waived. Commissioner Kloberdanz stands by his recommendation. Approved 3-0 as written.

- 18. Citation 15562** issued to Exclusive VIP Transportation for violation of NAC 706.191. (MBM)
- 19. Citation 15625** issued to Rapid Tow, LLC for a violation of NAC 706.4477. (MBM)
- 20. Citation 15699** issued to Esayas N. Yohannes for a violation of NAC 706.228. (MBM)
- 21. Citation 15701** issued to Ashley's Towing for a violation of NRS 706.4477/NAC 706 as amended by LCB File No. R075-08. (MBM)

- 22. Citation 15775** issued to Angel Marquez for violations of NRS 706.386 and NRS 706.758. (MBM)
- 23. Impound 1981** The impoundment pursuant to NRS 706.476 of a vehicle registered to James Anthony Ware and Angel Luis Marquez. (MBM)
- 24. Impound 1965 and Citation 15766** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15766 issued to Stephen Maresca/Half Price Movers for violations of NRS 706.386 and NRS 706.758. (MBM)
- 25. Impounds 1979 and 1980 and Citation 15773** The impoundment pursuant to NRS 706.476 of two vehicles registered to and Citation 15773 issued to Jesus Gutierrez for violations of NRS 706.386 and NRS 706.758. (MBM)
- 26. Impound 1982 and Citation 15776** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15443 issued to George Williams for violations of NRS 706.386 and NRS 706.758. (MBM)
- 27. Citation 15601** issued to Ronald Adolfo Cohen for violations of NAC 706.228 as amended by LCB File No. R127-07 (2 counts).
- 28. Citations 15712, 15713, 15714 and 15715** issued to Earth Limousines, LLC for violations of NAC 706.140, NAC 706.228.1 (2 counts), NAC 706 as amended by LCB File No. R127-07(1) (2 counts), NAC 706.353, NAC 706.229(1), NAC 706.247/49 CFR 395(1)(e) (2 counts), and NAC 706.311.
- 29. Citation 15765** issued to Jay Law for violations of NAC 706.329 and NRS 706.758.
- 30. Citation 15769** issued to James D. Constantini for a violation of NAC 706 as amended by LCB File No. R127-07.
- 31. Citation 15772** issued to New Planet Moving and Storage/Moshe Alosch for a violation of NRS 706.758.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO
PROVIDE TOW CAR SERVICE**

- 32. Docket No. 10-08019** The Application of Raine Family Towing-Roadrunner, Inc. for a certificate of public convenience and necessity (hereinafter “CPCN”) to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM)

Commissioner Metz summarized the Application and added to the compliance an unannounced operational inspection within one year to include tariff compliance. Applications Manager Liz Babcock stated financial concerns were alleviated after the hearing and Staff supports the Application. Commissioner Klobardanz concurred with Commissioner Metz. Chairman MacKay stated his concerns with regard to the Application. Approved 2-1, with Chairman MacKay opposed.

- 33. Docket No. 11-09031** The Application of Commerce Auto Body & Sales, Inc. d/b/a Commerce Auto Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

Applications Manager Liz Babcock stated Applicant would be operating out of Las Vegas and Staff supports the Application. Approved 3-0.

34. Docket No. 12-01014 The Application of The Little Guys, LLC for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

Chairman MacKay requested as compliance items that the Authority be made aware of the key operational staff to be hired (for fingerprinting purposes) and that Applicant select a different fictitious name. Approved 3-0 as modified.

35. Docket No. 12-01024 The Application of Sovereign Entities, Inc. d/b/a Aquarius Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

Chairman MacKay summarized the Application with respect to tariff rates. Applications Manager Liz Babcock summarized the changes made in the tariff portion of the Application. Staff supports the bifurcation of rates for the Pahrump and Las Vegas locations, however Staff does not support all of the proposed rates. Applicant, Mr. Mike Armstrong, stated his reasoning for rates submitted. Approved 3-0 with modifications.

36. Docket No. 11-12023 The Application of My Auto Service, LLC d/b/a My Auto Service for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded.

Applications Manager Liz Babcock stated the Applicant will be operating out of Las Vegas and that Staff supports the Application. Approved 3-0

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE CHARTER BUS SERVICE

37. Docket No. 12-03021 The Application of Abraham Limo Service, Inc. d/b/a ALV for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded.

Mrs. Kimberly Rushton, Esq. was present with the Applicant, Mr. Mulugeta Abraham. Applications Manager Liz Babcock stated the carrier will operate out of Las Vegas. Approved 3-0.

NAME CHANGES

38. Docket No. 12-01012 The Petition of V Transportation, LLC d/b/a V Transportation to change their name to V Transportation, LLC d/b/a Vegas Transportation for charter bus services conducted under CPCN 2142. Staff investigation concluded.

Staff supports this Application. Approved 3-0.

APPLICATIONS FOR WAREHOUSE PERMITS

39. Docket No. 09-11009 The Application of Big Box Storage Nevada, Inc. for a Warehouse Permit. Staff investigation concluded.

Heard with item 40.

40. Docket No. 11-10008 The Application of Pack Rat NV #1, LLC d/b/a 1-800-Pack-Rat for a Warehouse Permit. Staff investigation concluded.

Items 39 and 40 were considered collectively. Approved 3-0 with additional compliance items.

FINANCIAL RATES AND TARIFFS

41. Docket No. 11-11017 #14 The Application of Bighorn Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7251. Staff investigation concluded.

Items 41 and 45 thru 51 were considered collectively and approved 3-0.

42. Docket No. 11-11017 #18 The Application of Capital Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7056. Staff investigation concluded.

Heard with Item 44.

43. Docket No. 11-11017 #20 The Application of Curtis H. Vahl d/b/a Roadside Rescue for approval of a tariff rate modification for tow car services conducted under CPCN 7252. Staff investigation concluded.

Heard with Item 44.

44. Docket No. 11-11017 #21 The Application of Cal-Neva Transport & Tow, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7187. Staff investigation concluded.

Items 42, 43 and 44 – Mr. Michael Keller, AAA, submitted a protest with regard to lot visit rates. Mr. John Rubens, AAA, inquired as to a timeline for the review of rates. Authority Staff indicated a docket has been opened to investigate rates, however, the model tow tariff conversions would be completed first. Applications Manager Liz Babcock stated carriers could be notified of the tariffs being investigated so they can have the information ready for submission when Staff is ready to proceed. Items 42, 43 and 44 approved 3-0.

45. Docket No. 11-11017 #23 The Application of All Points Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7053. Staff investigation concluded.

Heard with Item 41.

46. Docket No. 11-11017 #24 The Application of Carson City Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7036, Sub 1. Staff investigation concluded.

Heard with Item 41.

47. Docket No. 11-11017 #32 The Application of Mort's Auto Body, Inc. d/b/a Mort's Auto Body for approval of a tariff rate modification for tow car services conducted under CPCN 7138, Sub 2. Staff investigation concluded.

Heard with Item 41.

48. Docket No. 11-11017 #34 The Application of Desert Towing, LLC for approval of a tariff rate modification for tow car services conducted under CPCN 7116, Sub 2. Staff investigation concluded.

Heard with Item 41.

49. Docket No. 11-11017 #46 The Application of LTS Transportation, Inc. d/b/a Larry's Towing & Transport for approval of a tariff rate modification for tow car services conducted under CPCN 7131. Staff investigation concluded.

Heard with Item 41.

50. Docket No. 11-11017 #52 The Application of Howard R. Wright and D'Anne L. Wright d/b/a H.R. Auto for approval of a tariff rate modification for tow car services conducted under CPCN 3288. Staff investigation concluded.

Heard with Item 41.

51. Docket No. 11-11017 #72 The Application of Glen S. Lee d/b/a Glen's Mobile Repair for approval of a tariff rate modification for tow car services conducted under CPCN 7126. Staff investigation concluded.

Heard with Item 41.

52. Docket No. 12-03003 The Application of Adventure Photo Tours, Inc. d/b/a Adventure Photo Tours for approval of a tariff rate modification for scenic tours conducted under CPCN 1047, Sub 1. Staff investigation concluded.

Staff indicated support for the Application. Approved 3-0.

53. Docket No. 12-03018 The Application of AWG Ambassador, LLC d/b/a Ritz Transportation for approval of a tariff rate modification for special services conducted under CPCN 2055, Sub 2. Staff investigation concluded.

Mr. Brent Carson, Esq. and Mr. Alan Waxler, AWG Ambassador, LLC were present on behalf of the Applicant. Approved 3-0.

54. Docket No. 12-04013 The Application of Executive Limousine Service, Inc., a Nevada Corporation, for approval of a tariff rate modification for charter limousine services conducted under CPCN 1026. Staff investigation concluded.

Staff supports the Application. Approved 3-0.

EXEMPTION REQUEST

55. Docket No. 12-03015 The Request for Exemption under NAC 706.147 filed by Vegas VIP seeking Authority declaration that the Requestor is exempt from the obligation to obtain a CPCN. (AJM)

Mr. James Kent, Esq. and Mr. Dan Nunes, Owner, were present and summarized their request. Ms. Kimberly Rushton, Esq., submitted a verbal protest on behalf of Livery Operators Association stating VIP has charter bus service and should utilize that form of transportation. A discussion ensued. Request Denied 3-0.

PETITION TO DEVIATE FROM REGULATION

56. Docket No. 12-04019 The Petition to Deviate from Regulations pursuant to NAC 706.1305 filed by AWG Ambassador, LLC seeking Authority approval to deviate from NAC 706.381. Specifically, the Petitioner seeks relief from obligations regarding inspections and file maintenance for vehicles to be utilized during the Electric Daisy Carnival event June 8 – 10, 2012 at the Las Vegas Motor Speedway. (AJM)

Mr. Alan Waxler, AWG Ambassador, Mr. Brent Carson, Esq., and Mr. Robert Winner, Esq., were present on behalf of the Petitioner. Mr. Winner summarized the reasoning for the request. Mr. James Kent, Esq., submitted a verbal protest. A lengthy discussion ensued regarding Authority requirements for leased vehicles, ie: vehicle inspection, record keeping, driver files, etc. Motion to Deviate from NAC 706.247 specifically as it relates to driver's qualification files being maintained at the domicile of record if they can be made immediately available to AWG Ambassador, LLC and/or Authority Staff.

Granted 2-0, with Commissioner Metz opposed.

APPLICATIONS FOR FULLY REGULATED CARRIERS

57. Docket No. 09-01007 The Application of Omni Limousine, Inc. for an expansion of authority for operations conducted under CPCN 1084, Sub 3. Staff investigation concluded. The Authority will first consider the Intervener's Motion to Dismiss. (MJK)

Mr. Neil Tomlinson, Esq., on behalf of Ambassador Limousine, summarized the Motion to Dismiss with regard to timeline and documentation. Mr. James Kent, Esq., on behalf of Omni Limousine, rebutted Mr. Tomlinson's comments. Commissioner Kloberdanz recommended the Motion to Dismiss be denied. Chairman MacKay and Commissioner Metz concurred.

Motion to Dismiss denied 3-0.

Commissioner Kloberdanz summarized the Application and indicated Staff support. Mr. Kent expressed his thanks to Authority Staff for their diligence with regard to the application process. Chairman MacKay

thanked both Mr. Tomlinson and Mr. Kent for their professionalism during the application process and recognized Commissioner Klobardanz and Administrative Attorney Day for the exceptional work done on the final Order. Approved 3-0.

58. Docket No. 11-04003 The Application of Royalty Limos, LLC d/b/a Royalty Limos for an expansion of operating authority under CPCN 2149. Staff investigation concluded. (AJM)
Heard with Item #59.

59. Docket No. 11-04004 The Application of Royalty Limos, LLC d/b/a Royalty Limos for an expansion of operating authority under CPCN 1059, Sub 5. Staff investigation concluded. (AJM)
Chairman MacKay briefly summarized the Applications. Ms. Kimberly Rushton, Esq., was present on behalf of Royalty Limousines and summarized the Application requests. Present on behalf of Royalty Limos, LLC – Ms. Beverly Fischer, Operational and Administrative Manager, Mr. James P. Abbott, Desert Hills Gun Range and Gun Club, Ms. Desiree Blum, CEO of Escalante Tour and Travel, General Manager, Mr. Charles Horky, and Mr. Peter Eliades, Owner. Ms. Rushton requested the restrictions referenced in Paragraph 13, specifically items 2 and 3 be removed. Mr. Neil Tomlinson, Esq., on behalf of Las Vegas Limousines and Airline Limousine Corporation expressed his opposition to their removal. Mr. James Jimmerson, Esq. was present telephonically and expressed opposition to the removal of the restrictions as well. Commissioner Metz expressed concern as to the number of solicitation citations the carrier has received and her hopes that this will alleviate some of the past issues involved. Commissioner Klobardanz concurred. Approved 3-0.

60. Docket No. 11-05002 The Application of Las Vegas International Tour Services, Inc. for a permit to operate as a contract motor carrier of passengers within the State of Nevada. Staff investigation concluded. (AJM)
Chairman MacKay summarized the Application. Ms. Kimberly Rushton, Esq., on behalf of Livery Operators Association and Pink Jeep Tours, filed a Petition for Leave To Intervene on May 4, 2012, which Chairman MacKay denied. Livery Operators Association and Pink Jeep Tours filed a Protest the following day. Mr. Brent Carson, Esq., and Mr. Pedro Suriel appeared on behalf of Las Vegas International and summarized the Application request. Mr. Suriel thanked Staff for their help. Staff supports this Application. Approved 3-0.

61. Docket No. 11-10016 The Joint Application of Western Cab Company d/b/a Western Limousine Service to sell and transfer and of Western Limousine Service, LLC d/b/a Western Limousine Service to purchase and acquire the authority to provide charter limousine service granted under CPCN 1054, Sub 2. Staff investigation concluded. (AJM)
Mr. John Moran, Jr., Esq., and Mr. David Straus,, Esq., appeared on behalf of the Applicant and summarized the Application. Chairman MacKay indicated Staff support. Approved 3-0.

62. Docket No. 12-03002 The Application of Norbert Doerr Charter Service d/b/a Treasure Tours of Nevada for an expansion of authority for operations conducted under CPCN 1066. Staff investigation concluded. (AJM)
Chairman MacKay summarized the Application and indicated no hearing was necessary. Applications Manager Liz Babcock indicated Mr. Norbert Doerr appeared at 10am and was not able to stay for the entire meeting. Staff supports the Application. Approved 3-0.

63. Docket No. 12-04018 The post facto Request for a temporary discontinuance from April 12, 2012 through October 12, 2012 of services provided by CUSA K-TCS, LLC d/b/a CoachAmerica and d/b/a

Gray Line Airport Shuttle granted under CPCN's 2016, Sub 2 and 2115, respectively. Staff investigation concluded.

Applications Manager Liz Babcock indicated the Temporary Discontinuance was requested because Applicant may have a buyer. Approved 3-0.

64. Docket No. 12-04022 The Joint Application filed by Royalty Limos, LLC (CPCN's 1059, Sub 5 and 2149) and CLS Nevada, LLC (CPCN's 1011, Sub 4 and 2066, Sub 1) for approval of a management agreement pursuant to NAC 706.250. Specifically, the Applicants seek approval for CLS Nevada, LLC to manage the day-to-day operations of Royalty Limos, LLC (MJK)

Ms. Kimberly Rushton, Esq., appeared on behalf of Royalty Limos, LLC and summarized CLS of Nevada's role as the management company. Mr. Charles Horky, General Manager for CLS Nevada, LLC, discussed the daily operations and procedures. Mr. Peter Eliades, Owner, thanked Authority Staff for their efforts. Approved 3-0.

DISCUSSION ITEM

65. The Authority will discuss whether to submit any bill draft requests (BDR's) in the upcoming legislative session.

With reference to fingerprinting requirements by the FBI, Deputy Commissioner Skibinski will draft the request, review with the Commissioners, and send to the Department of Business and Industry.

Approved 3-0.

With reference to NRS 706.296 - Cash On Delivery, Deputy Commissioner Skibinski will research legislative history. No motion.

With reference to prisoner transportation services utilizing private party transport, contracts are performed on behalf of the State. Ms. Kimberly Rushton, Esq., indicated there was an exemption to require certification of a carrier who is contracted to transport for a county or municipality. Commissioner Metz indicated the intent of the Legislature was not to grant a blanket exemption. Deputy Commissioner Skibinski stated since this is between State Contracts, State Purchasing Department, and the Department of Business and Industry, the Authority should work very closely with the Governor's Office as their requirements and the Authority's requirements appear to conflict. Chairman MacKay questioned whether this transportation should be exempted from the Authority's oversight. Chairman MacKay and Deputy Commissioner Skibinski suggested a discussion with the State Purchasing Department. No motion.

66. Public Comment

Commissioner Metz suggested the tow industry look into the commission-based driver compensation. Mr. Walker of Walker Towing stated LCB-R075-08, referencing the ability to enter a property to remove vehicles in firelanes, handicap spaces, etc. and the walk and tag service is an open invitation to steal. Commissioner Metz agreed to put that item on a future agenda for discussion. Chairman MacKay requested Mr. Walker address this in writing. Mr. Walker also stated there are some rates where the public is being overcharged and questioned how to report this type of activity.

Mr. Greg Knowles, Las Vegas Limousines, thanked Authority Staff for their help, support, and assistance with the new Terminal at the Airport.

67. Adjournment

Meeting adjourned at 4:06 p.m.